

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|--|---|--------------------------------|
| ANTHONY HAMOND MURPHY, |) | |
| <i>on behalf of himself and all others</i> |) | |
| <i>similarly situated</i> |) | |
| |) | |
| Plaintiff |) | Case No. 1:21-cv-00204 (Erie) |
| |) | |
| |) | |
| vs. |) | |
| |) | RICHARD A. LANZILLO |
| THE HUNDREDS IS HUGE, INC., |) | UNITED STATES MAGISTRATE JUDGE |
| |) | |
| Defendant |) | ORDER ON PLAINTIFFS' MOTION TO |
| |) | CERTIFY CLASS FOR SETTLEMENT |
| |) | PURPOSES AND TO APPROVE |
| |) | PROPOSED CLASS ACTION |
| |) | SETTLEMENT |
| |) | |
| |) | ECF NO. 20 |

For the reasons explained in the Court's Memorandum Opinion filed contemporaneously in this matter, **IT IS HEREBY ORDERED** that the Plaintiff Anthony Hammond Murphy's unopposed Motion to Certify Class for Settlement Purposes and for Preliminary Approval of Class Action Settlement pursuant to Fed. R. Civ. P. Rule 23(e), ECF No. [20], be, and hereby is, **GRANTED**. To that end:

1. This Order incorporates by reference the definitions in the parties' Settlement Agreement at ECF No. 20-1, and all terms defined therein have the same meaning in this Order as set forth in the Settlement Agreement.
2. It appears to the Court on a preliminary basis that the Settlement Agreement satisfies the elements of Federal Rule of Civil Procedure 23 and is fair, adequate, and reasonable.

3. The proposed Settlement Class is hereby preliminarily certified pursuant to Fed. R. Civ. P. 23(a) and (b)(2) for purposes of settlement. The Settlement Class is defined as:

All Blind or Visually Impaired individuals who use screen reader auxiliary aids to navigate digital content and who have accessed, attempted to access, or been deterred from attempting to access, or who will access, attempt to access, or be deterred from accessing The Hundreds Is Huge Inc.'s Digital Properties including its Website at <https://www.thehundredishuge.com> and/or Mobile Appl from the United States.

4. The Court approves and designates Plaintiff Anthony Hammond Murphy as the representative of the Settlement Class.
5. Upon oral motion by Attorney Kevin W. Tucker, Esq., the Court hereby appoints Attorney Chandler Steiger and Attorney Stephanie Moore of East End Trial Group, LLC as additional Class Counsel for the Settlement Class.
6. The Court finds that the Notice and Notice Plan attached as Exhibits 1 and 2, ECF Nos. 20-1 and 20-2, to the Motion meet the requirements for due process, the requirements of Rules 23(c)(2) and 23(e) of the Federal Rules of Civil Procedure, and ensure Notice is well calculated to reach putative class members.
Accordingly, the Notice and Notice Plan are hereby approved.
7. Within twenty-one (21) days of this Order ("Notice Deadline"), Defendant shall:
 - a. cause the Notice to be published on a search-engine-optimized ("SEO") settlement website operated by a stipulated class action settlement administrator or similar entity;
 - b. add invisible anchor text in the header of the Website's homepage which reads, "Click to view our ADA Class Action Settlement

- Notice” and which links to the Notice published by the stipulated class action settlement administrator or similar entity; and
- c. request that Achieva, American Council of the Blind, American Foundation for the Blind, Blinded American Veterans Foundation, Blinded Veterans Association, Foundation Fighting Blindness, Guide Dogs for the Blind, National Association of Blind Merchants, National Council on Disability, National Federation of the Blind, Foundation for the Blind, Blinded American Veterans Foundation, Blinded Veterans Association, Foundation Fighting Blindness, Guide Dogs for the Blind, Lighthouse Guild International, National Association of Blind Merchants, and the National Council on Disability, publish a link to the Notice in their respective electronic newsletters so that notice is sent out within sixty (60) days of the Preliminary Approval.
 8. Within ten (10) days prior to the Fairness Hearing, scheduled below, Defendant or Defendant’s counsel shall file a declaration evidencing compliance with the notice provisions of this Order.
 9. Within ten (10) days prior to the Fairness Hearing, scheduled below, Class Counsel shall file its motion for attorneys’ fees and costs.
 10. A hearing (the “Fairness Hearing”) shall be held before this Court on Thursday, September 15, 2022, beginning at 10:30 AM, in the United States District Court for the Western District of Pennsylvania, located at 17 South Park

Row, Erie, PA 16501, to determine whether the Settlement Agreement shall be granted final approval, and to address any related matters.

11. The Fairness Hearing may, from time to time and without further notice to the Settlement Class members (except those who have filed timely objections or entered appearances), be continued, rescheduled, or adjourned by order of the Court.
12. Any Settlement Class Member may object to the Settlement Agreement by filing, within sixty (60) days after the Notice Deadline set by the Court, written objections with the Clerk of the Court. Only such objecting Settlement Class Members shall have the right, and only if they expressly seek it in their objections, to present objections orally at the Fairness Hearing. Responses by Representative Plaintiff to any timely-filed objections shall be made no less than five (5) days before the Fairness Hearing.
13. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement Agreement which are not materially inconsistent with either this Order or the terms of the Settlement Agreement.

Entered and Ordered this 10th day of June, 2022.



RICHARD A. LANZILLO
United States Magistrate Judge